IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2222 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHAILESHBHAI RATILAL MISTRI THRO.YOGESH R MISTRI-BROTHER - Petitioner(s)
Versus
COMMISSIONER OF POLICE & 2 - Respondent(s)

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Appearance :

MR ANIL S DAVE for Petitioner(s) : 1,MS. KRUTI M SHAH for Petitioner(s) : 1,
MR LR POOJARI, AGP for Respondent(s)

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 14/06/2007

ORAL JUDGMENT

Learned AGP Shri Poojari places on record the affidavit in reply.

2. In the present petition, the petitioner has challenged the order of detention dated 3.1.2007 passed by the Commissioner of Police, Vadodara City in exercise of powers under section 3(1) of the Gujarat Prevention of Anti-Social Activities Act, 1985 (“PASA” for short).

3. The petitioner has been placed under detention on the basis of the opinion formed by the detaining authority that it is necessary to do so to prevent breach of public order. To come to such a conclusion, the detaining authority has relied on an alleged incident wherein the petitioner was said to have breached the provisions of the Bombay Prohibition Act.

4. In case of a co-detenu, this Court has passed order today in Special Civil Application No.893 of 2007 quashing the order of detention. Material being identical, without repeating the reasoning thereof, the present petition is also required to be allowed.

5. Under the circumstances, the impugned order of detention dated 3.1.2007 is quashed. Since the order of detention is quashed, the detenu shall be released forthwith unless involved in any other criminal case or detention. With these directions, the petition is disposed of. Rule is made absolute accordingly.

Direct service is permitted.

[AKIL KURESHI, J.]

(vjn)